Crl.Misc.No.76-MA OF 2006

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.76-MA OF 2006

DATE OF DECISION: 10-7-2006

Jagdish son of Shri Labh Chand, resident of Village Badot, Tehsil Safidon District Jind.

.....Appellant-Complainant

VERSUS

Anil Kumar son of Shri Mahenderjit r/o Diwan Nagar Opposite Nagpal Hospital Kachha Camp Assandh Road, Panipat Tehsil and District Panipat.

.....Respondent-Accused

CORAM:- HON'BLE MR.JUSTICE K S GAREWAL
HON'BLE MR.JUSTICE R S MADAN

PRESENT: Mr.Ashwani Gaur, Advocate
for the appellant.

R S MADAN, J.

Jagdish son of Shri Labh Chand, resident of Village Badot, Tehsil Safidon District Jind filed a complaint under Sections 498,406,323 and 506 IPC against the accused persons with the allegations that Sunita wife of accused No.1-Anil Kumar was married on 14-2-1994 according to the Hindu Rites and Ceremonies. After the marriage his daughter had started residing with accused No.1 at Panipat. After about 3-4 months of marriage, accused No.1 and his family members started

ill-treating his daughter for bringing insufficient dowry. Further they also demanded more dowry from her even though he had spent a sum of Rs.4 lacs in the marriage as presented various articles i.e. ornaments, freeze, scooter etc. besides cash. The complainant continued satisfying the demands made by the accused from time to time and they also tried to kill his daughter. When the aforesaid facts were brought to the notice of the complainant, a Panchayat was convened where the accused persons agreed before the biradari that in future they will keep the daughter of the complainant in a better manner. Consequently, Sunita was sent to the matrimonial home but soon thereafter again accused had started demanded dowry. Again a Panchayat was summoned on 29-9-1997 but no compromise was arrived between the parties so he brought his daughter back and filed the present complaint.

On the basis of the preliminary evidence led by the complainant, accused No.1 was ordered to be summoned to face trial under Sections 498-A and 406 IPC.

In pre-charge evidence, Sunita appeared as PW-1, complainant himself appeared as PW2 and Jagdish maternal uncle of his daughter Sunita as PW3 and, thereafter, closed the pre-charge evidence.

Thereafter, arguments on the charge were heard and vide order dated 6-3-2004 accused No.1-Anil Kumar was charge-sheeted under Sections 406 and 498-A IPC and the case was adjourned for further cross-examination and remaining evidence.

After the evidence was closed, statement of accused under Section 313 Cr.P.C. was recorded in which entire prosecution version

was put to him to which he pleaded innocent but did not lead any evidence.

After hearing the learned counsel for the parties, the Judicial Magistrate, Ist Class, Panipat has observed that all the allegations made in the complaint are vague and general in nature. No specific date or time of the demand of dowry and entrustment of the property has been mentioned. For the reasons recorded in paras No.16 and 18, the learned Magistrate passed the impugned order of acquitting the accused of the charges levelled against him and he was set at liberty.

After going through the impugned judgment of the learned Magistrate and the reasons recorded by him in para 16 and 18, no ground for leave to appeal is made out.

We, therefore, dismiss the same.

(K S GAREWAL)
JUDGE

(R S MADAN)
JUDGE

July 10, 2006
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